

Appl. No. 09/896,088
Amdt. Dated 07/14/2005
Reply to Office Action of 05/16/2005

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action mailed May 16, 2005. In the Final Office Action, claims 1-8, 9-12, 13-15, 16-17, 19-26, 27-29, 30-33 and 34 were rejected under 35 U.S.C. §103(a). Claim 27 has been amended, but if the remainder of the claims are considered to be in condition for allowance, but entering of the amendment to claim 27 is refused, the Examiner is respectfully requested to contact the undersigned attorney to what actions, if any, are necessary to secure a Notice of Allowance.

Reconsideration of the pending claims in light of the amendments and remarks made herein is respectfully requested.

Rejections Under 35 U.S.C. § 103

A. REJECTION OF CLAIMS 1-8, 13-15, 19-26, AND 34

In the Office Action, claims 1-8, 13-15, 19-26, and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohashi (U.S. Patent No. 5,889,861) in view of Emerson (U.S. Patent No. 6,664,969). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See MPEP §2143; see also *In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988). Herein, the combined teachings of the cited references fail to describe or suggest all the claim limitations.

For instance, with respect to claim 1, neither Ohashi nor Emerson, alone or in combination, teach or suggest the operation of generating a key hash result partially based on a global identifier of a source and an estimated current time *at the source*. *Emphasis added*. Instead, the key hash result is directed to information based on the current time at the device

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generating the key hash result, not the source being a separate computing unit. The same rationale applies to (1) a first software module to periodically generate a key hash result based on ...an *estimated current time at the source* providing the global identifier (claim 13); (2) internal circuitry contained within casing and controlling information presented by the device, the internal circuitry to generate a key hash result based on a global identifier of a source and an *estimated current time at the source* (claim 19); and (3) a first software module to periodically generate key hash results based on at least a global identifier of a source and an *estimated current time at the source* (claim 34); *Emphasis added.*

Hence, Applicants respectfully request that the outstanding §103(a) rejection as applied to independent claims 1, 13, 19 and 24 as well as dependent claims 2-8, 14-15 and 20-26 be withdrawn.

B. REJECTION OF CLAIMS 27-29

Claims 27-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gregg, (U.S. Patent 5,425,020) in view of Ohashi and Emerson (U.S. Patent 6,664,969). Applicants respectfully a *prima facie* case of obviousness has not been established. In fact, Applicants respectfully submit that neither Gregg, Ohashi nor Emerson, alone or in any combination, suggest computing a clock skew to *determine a time difference between the first computing unit and the second computing unit* in response to receipt of a first verification packet, ..., and presenting the second time-varying item for *sensory* comparison with the first time-varying items. *Emphasis added.*

Withdrawal of the §103(a) rejection as applied to claims 27-29 is respectfully requested.

C. REJECTION OF CLAIMS 9-12, 16-17, AND 30-33

Claims 9-12, 16-17, and 30-33 under 35 U.S.C. §103(a) as being unpatentable over Ohashi in view of Emerson and further in view of Gregg. Applicants respectfully a *prima facie* case of obviousness has not been established. With respect to claims 16-17 and 30-33, these claims are dependent on independent claims 13 and 27, respectively. While Applicants believe that these claims are in condition for allowance, Applicant further notes that no discussion as to

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the allowability of these claims is warranted due to their dependency on allowable independent claims. Applicant reserves the right to present such arguments in an Appeal is warranted.

With respect to independent claim 9, Applicants respectfully submit that a *prima facie* case of obviousness has not been established because neither Ohashi, Emerson nor Gregg, alone or in any combination, suggest an operation of computing the estimated current time *at the source* corresponding to a current time at a destination based on the clock skew, and subsequently, performing a cryptographic hash operation on a combination of at least the global identifier and the estimated current time [at the source] to generate the key hash result. *See claim 9 of the subject application.*

Hence, withdrawal of the §103(a) rejection as applied to claims 9-12, 16-17, and 30-33 is respectfully requested.

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Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner respectfully requests the Examiner to contact the undersigned attorney to schedule an Examiner's interview in order to discuss the patentability of the pending claims and to facilitate prosecution of the subject application. The undersigned attorney can be reached at the phone number listed below.

Respectfully submitted,

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Dated: July 14, 2005

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Susan McFarlane

07/14/2005

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